

REMARKS

Claim 1 stands rejected under 35 USC 102(e) as anticipated by Carr. Applicant respectfully traverses this rejection. Claim 1 recites “transmitting enhancement data and at least one trigger employing a second television channel operating at a second frequency.” Applicant submits that at least this feature of claim 1 is not disclosed by Carr. In the Action, the Examiner stated that this feature of the claim was met by Figure 1A. Applicant notes that Figure 1A of Carr only discloses an arrangement of components including a content creator, transport operator, server and two receivers. Applicant submits that there is no teaching of transmitting a trigger anywhere in this figure. The Examiner also referred to paragraphs [0025] and [0030] of Carr. Applicant notes that while paragraphs [0025] and [0030] disclose transmission of “enhancement data,” there is no teaching of “at least one trigger” in these paragraphs or anywhere else in Carr. As there is no disclosure of “at least one trigger,” there is also no disclosure of “transmitting...at least one trigger employing a second television channel operating at a second frequency.” Applicant therefore respectfully submits that claim 1 is allowable for at least this reason. Claims 2-12 are dependent from claim 1 and are therefore also allowable.

Claim 13 stands rejected under 35 USC 102(e) as anticipated by Miller. Applicant respectfully traverses this rejection. Claim 13 recites “transferring video information, compliant with the ATVEF standard for type A transport, to a transmission system.” Applicant submits that at least this feature of claim 13 is not disclosed by Miller. In the Action, the Examiner stated that “Miller fails to disclose that the video information is competent with the ATVEF standard for type A transport.” The Examiner did not provide any other reference to show this feature or even suggest that this feature is taught by anything in the prior art. Therefore, by the Examiner’s own statement, the Examiner has failed to set forth a *prima facie* case of anticipation or obviousness. Applicant therefore respectfully submits that claim 13 is allowable for at least this reason. Claim 14 is dependent from claim 13 and are therefore also allowable.

Claim 15 stands rejected under 35 USC 102(e) as anticipated by Carr. Applicant respectfully traverses this rejection. In the Action in connection with claim 15, the Examiner stated that “[c]laims 15, 25, 31, 34-36, 39 and 45 are met by that discussed above for claim 1. Video information is accessed at the headend (transport operator 14) and the enhancement data is removed and transmitted to the receiver over a second channel via the communications network.” Applicant notes that claim 1 does not share with claim 15 the feature of “removing said enhanced content from said video information to produce non-enhanced video information.” Therefore, reference to the rejection of claim 1 does not support the rejection of claim 15. Applicant further notes that the Examiner has not identified any support in the reference for the Examiner’s statement. Because the Examiner has failed to identify any portion of any of the references as actually teaching this feature, Applicant respectfully submits that claim 15 is allowable for at least this reason. Claims 16-24 are dependent from claim 15 and are therefore also allowable.

Claims 25, 34, and 45 stand rejected under 35 USC 102(e) as anticipated by Carr. Applicant respectfully traverses these rejections. Claims 25, 34, and 45 also recite at least one trigger. Claim 25 recites “transmitting said enhanced content and at least one trigger on a second channel having a second frequency.” Claim 34 recites “enhancement data including at least one trigger on a second channel.” Claim 45 recites “a trigger on a second channel, that outputs signals to a display when said trigger is received.” In the Action, the Examiner rejected claims 25, 34, and 45 with reference to claim 1. Applicant respectfully submits that claims 25, 34, and 45 are also allowable because the prior art fails to disclose a trigger. Applicant also respectfully submits that claims 25, 34, and 45 are allowable for the reasons given above with regard to claim 1. Claims 26-33 are dependent from claim 25, claims 35-44 are dependent from claim 34, and claims 46-55 are dependent from claim 45 and are therefore also allowable.

The dependent claims also stand variously rejected as anticipated by Carr, anticipated by Miller, obvious in light of Carr and obvious in light of Carr in view of Miller. Applicant

respectfully submits that these dependent claims are all allowable for at least the reasons given above with regard to the independent claims. Early action allowing claims 1-55 is solicited.

If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below. In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 577172001800.

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Respectfully submitted,

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